



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,208	08/20/1999	LARRY A. NICKUM	98-1170	8847

7590 06/14/2005

SEAN PATRICK SUITER
SUITER & ASSOCIATES PC
14301 FNB PKWY
SUITE 220
OMAHA, NE 68154

EXAMINER

LUU, SY D

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/378,208

Applicant(s)

NICKUM, LARRY A.

Examiner

Sy D. Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-18, 21-32, 35-46, 49-56 and 59-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-18, 21-32, 35-46, 49-56 and 59-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment and Response, filed April 4, 2005.
2. Claims 1-5, 8-18, 21-32, 35-46, 49-56 and 59-81 are pending in this application. Claims 1, 14, 27, 41 and 55 are independent claims. In the above Amendment and Response, claims 80-81 were added. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-5, 8-18, 21-32, 35-46, 49-56, 59, 61-62, 64-65, 67-68, 70-71, 73-79 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matik et al. ("Matik", US # 6,023,701) in view of Schmid (Web Representation with Dynamic Thumbnails) and Brown et al. ("Brown-2", US 6,278,448 B1)

Per claims 1 and 62, Matik teaches a method for advanced network viewing, comprising: accessing a first site, querying at least one of a link and a second site linked to said first site, wherein the linked second site is a web page included within the first site (col. 2, lines 27-30); and generating and communicating a listing of hyperlinks of linked sites for presentation to the user (col. 2, lines 27-40).

Although Matik's hyperlinks of linked sites already contain information about the linked sites (i.e. labels or titles of the hyperlinks, e.g. www.ucberkeley.edu or www.washingtonpost.com) that are informative enough to users so that such a representation of

information are interpretable to be previews of the linked sites, Schmid is used to illustrate a clearer representation method for enabling a user to preview the linked sites. Schmid teaches a method for presenting content from a web page in a distributed database, wherein the page has a plurality of links to linked pages, and a set of thumbnail images of the linked pages in the database is presented to the user (Page 1; Fig. 1; Sections 1-2, "*Introduction*" and "*Static Thumbnails*" respectively). It would have been obvious to an artisan at the time of the invention to combine Schmid's teaching with Matik in order to provide users with a preview tool which would enable them to make more informed decisions about which links to follow.

While the method of Matik-Schmid teaches the step of storing the representation and updating the representation by at least one of the linked second site and the first site (Schmid, Page 2, Section 3, "*Dynamic Thumbnails*"), Matik-Schmid's method does not disclose the updating to take place periodically and the representation to be a stored representation. Brown-2 discloses a method for storing and displaying website representations, wherein the stored representations are periodically updated (col. 1, lines 30-34). It would have been obvious to an artisan at the time of the invention to combine Brown-2's teaching with the method of Matik-Schmid in order to enhance the preview tool with constantly up-to-date/refreshed information of the linked sources or webpages.

Per claims 2-3, Matik teaches the querying step to include limiting the scope of the query by including a defined limitation, wherein the limiting step to include at least one of a hierarchy and number of links (fig. 4, col. 6, lines 45-56).

Per claims 4-5, Schmid teaches the generating step to include forming a thumbnail representation of the linked second site, wherein the thumbnail representation is formed by taking a snapshot of the linked second site (Fig. 2, Page 2; Section 3, "*Dynamic Thumbnails*").

Per claim 8, the method of Matik, Schmid and Brown-2 does not disclose the updating step to be performed during idle time. Official Notice is given that the step of updating periodically information such as webpages related to a website during idle time in a networks environment is well known in the art. It would have been obvious to an artisan at the time of the invention to combine this feature with the method of Matik, Schmid and Brown-2 so as to improve performance on displaying the representations when retrievals are requested, i.e. retrievals of the representations would take less time .

Per claim 9, Matik teaches the communicating step to include displaying the representation in a separate window (fig. 5).

Per claims 10-11, Schmid teaches the communicating step to include displaying the representation as part of display of the first site so that the representation may be viewed as a component part of the first site, wherein the representation is displayed proximally to the link (Page 1; Fig. 1; *third image labeled as "Text & Thumbnail"*).

Per claim 12, the method of Matik, Schmid and Brown-2 does not expressly disclose the step of, if the linked second site is not accessible, generating a representation indicating that the linked second site is not accessible. However, Official Notice is taken that such a step is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a feature into the method of Matik, Schmid and Brown-2 in order to provide indications to users of the presence of a dead link.

Per claim 13, Matik teaches the generating step to include correlating descriptive information with a representation (col. 5, lines 3-13), as well as Schmid (Page 1; Fig. 1; *third image labeled as "Text & Thumbnail"*).

Claims 14-18 and 21-26 are similar in scope to claims 1-5 and 8-13 respectively, and are therefore rejected under similar rationale.

Claim 27-28 combined are similar in scope to claim 1, and is therefore rejected under similar rationale.

Claims 29-32 and 35-40 are similar in scope to claims 2-5 and 8-13 respectively, and are therefore rejected under similar rationale.

Claims 41-46 and 49-54 are similar in scope to claims 27-32 and 35-40 respectively, and are therefore rejected under similar rationale.

Claims 55-56 and 59 are similar in scope to claims 27-28 and 35 respectively, and are therefore rejected under similar rationale.

As per claim 61, Matik teaches the method to further comprising generating an additional representation of a site linked within the linked second site, the generated additional representation generated to indicate the linkage to the linked second site (col. 1, lines 41-45; *plurality of levels representations*).

Claims 64-65 are similar in scope to claims 61-62 respectively, and are therefore rejected under similar rationale.

Claims 67-68 are similar in scope to claims 61-62 respectively, and are therefore rejected under similar rationale.

Claims 70-71 are similar in scope to claims 61-62 respectively, and are therefore rejected under similar rationale.

Claims 73-74 are similar in scope to claims 61-62 respectively, and are therefore rejected under similar rationale.

As per claim 75, Schmid teaches displaying, as part of the first site, the link to the linked second site (Page 1; Fig. 1; Sections 1-2, “*Introduction*” and “*Static Thumbnails*”).

Claims 76-79 are individually similar in scope to claim 75, and are therefore rejected under similar rationale.

As per claims 80-81, Schmid teaches the representation to be separate from a hyperlink to the linked second site, as well as the representation to include an image of the linked second site (Fig.1; Section 1, Paragraph 2; *image labeled “Text & Thumbnail” showing the representation thumbnail of the linked second site being separate from the hyperlink “Porsche 911 TC – Data Sheet” to the linked second site*).

5. Claims 60, 63, 66, 69 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matik et al. (“Matik”, US # 6,023,701) in view of Schmid (Web Representation with Dynamic Thumbnails) and Brown et al (“Brown-2”, US 6,278,448 B1) and further in view of Gennaro et al. (US 5,742,768).

As per claim 60, in addition to all claim limitations as applied to claim 1, the representation of the method of Matik, Schmid and Brown-2 is not taught to be a pop-up menu. Gennaro teaches a method for providing/displaying a webpage having a pop-up menu which provides a user of the web browser with a plurality of links contained in the webpage. It would

Art Unit: 2174

have been obvious to an artisan at the time of the invention to combine Gennaro's teaching with the method of Matik, Schmid and Brown-2 in order to facilitate users with a convenience of using only one action to access to a plurality of links contained within a linked webpage.

Claims 63, 66, 69 and 72 are individually similar in scope to claim 60, and are therefore rejected under similar rationale.

Response to Arguments

6. Applicant's arguments with respect to the independent claims have been fully considered but they are not persuasive.

Applicant argues the following: (a) Matik fails to teach the element of generating a representation of said linked second site, in which the representation is separate from the hyperlink to the linked second site as recited in claim 1; (b) Brown-2 only teaches a GUI desktop and a "first site" and fails to teach a "second site", therefore, Brown-2 fails to teach "periodically updating the stored representation by at least one of the linked second site and the first site" as recited in claim 1; and (c) Brown-2 is nonanalogous art to the claimed invention, since Brown-2 relates to "user interface desktops" and the present invention is directed to network browsing.

The Examiner disagrees for the following reasons.

Per (a), the disputed limitations are not recited in claim 1 as Applicant stated, but are introduced in the newly added claims 80 and 81. However, the teachings for these newly added limitations regarding the representation of the linked second site are taught by Schmid as noted in the rejection section above.

Per (b), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Brown-2 is not relied on for the teaching of "a second site", which is already taught by Matik-Schmid. The teaching that is gleaned from Brown-2 is the process of periodically updating a website representation.

Per (c), in response to applicant's argument that Brown-2 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Brown-2 is clearly shown to be related to networking browsing of web page contents (see Abstract and Figures 4-6).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2174

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SY D. LUU
PRIMARY EXAMINER
ART UNIT 2174**